SHERIFF OF MADRAS PATNAM

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SHERIFF OF MADRAS

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1946.

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SHERIFF OF MADRAS

I. ORIGIN OF THE OFFICE

Like many other institutions the office of the Sheriff is an English institution imported into the Presidency towns of India. Its origin in Madras is to be traced back to the Charter of the Mayor's Court, Fort St. George dated the 24th of September, 1726, which provides for "our Sheriff of Fort St. George and Town of Madraspatnam". The Charter was received and proclaimed at Madras on the 27th of August, 1727.

The name is derived from two Saxon words Scire gerefe or scir gerefa—the reeve, bailiff, or officer or manager or governor of the shire. The first certain mention of scir gerefa as the typical officer of the shire is in the reign of King Canute (1017-36). He was "the King's Steward and judicial president of the Shire, the administrator of the royal demesne and the executor of the law". His chief police duties were connected with the frank-pledge. His chief military duty was the supervision of the posse comitatus or local militia. With the development and growing complexity of Government differentiation in functions arose and with the growth of each new office the Sheriff's duties were curtailed. The lesser judicial duties and some of his police duties were after 1360 absorbed by the justices of the peace and his military control, except in regard to hue and cry, was usurped in the sixteenth century by the Lords Lieutenants. His powers as a royal "reeve" or tax collector were taken away by the Parliament at the close of the Middle Ages which made other provisions in regard thereto. By the Prison Act of 1865 the custody

of the prisoners was transferred to the Gaoler. Ultimately the office became honorary with purely ministerial functions. But the Sheriff has always been and is still a royal officer.

II. THE SHERIFF'S PREDECESSORS

Prior to the institution of the office of the Sheriff at Madras the Peddu Naique or Madras Poligar was empowered to execute the processes of the justices. He was the head watchman or Chief of the Talliars or watchmen, the earliest form of police. His duty was to provide Talayaris or watchmen for the City in a fixed number. In 1640 he was to find 20 peons for police work and in 1659 fifty. He arrested wrong-doers and confined them in gaols pending their trial before the Governor and in cases of thefts and robberies he was to compensate the losses. ("Madras in the Olden Time." By J. T. Wheeler, Vol. I, pp. 160 to 162). He was responsible for the preservation of order in the Black Town and pettahs. He could arrest brawlers and confine them pending their appearance at the Choultry Court. He was paid by land grants and cowles and subsequently in 1686 by tithes upon the produce of certain trades and a watch-tax on houses called the "revenues from the Sea-Gate, Choultry and Bazaar" in consideration whereof he had to furnish an increased force for the escort of officials.

By the Charter dated December 30, 1687 erecting the Mayor's Court at Madras, the duties of service of processes and execution of writs were transferred to two serjeants, who were to be English born and to be appointed by the Mayor and Aldermen. They were to attend on the Mayor. They were also to be mace-bearers and to give always the same respect to the Mayor and Aldermen and Burgesses as was given by the

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Serjeants of London to the Lord Mayor, Aldermen and Liverymen in the City of London. Before entering on the duties of office they were to take the oath of allegiance and of office. They were empowered and required duly to execute all such Orders and Warrants as they shall from time to time receive from the said Mayor and Aldermen or the greater part of them. The said Mayor and Aldermen were not only empowered to appoint them but raise the pay and allow such moderate and convenient salaries and fees to the serjeants. The Marshall was in charge of the prisoners.

On Monday April 27, 1695 Dr. Browne was committed to the Custody of the Marshall for being apparently guilty of a Breach of the peace. A week afterwards he was discharged from his confinement in consideration of his patients suffering for want of assistance, he giving security to the judge's satisfaction.

III. QUALIFICATIONS OF OFFICE

The qualifications necessary for a person to be appointed Sheriff are nowhere stated. "As the Sheriff may have the custody of the men of the greatest property in the County", says Blackstone "his own estate ought certainly to be large, that he may be above all temptation to permit them to escape or to join them in their flight". In England for this reason the office was formerly frequently executed by the nobility and by persons of the highest rank in the Kingdom and not infrequently by the bishops. Ultimately the office came to be honorary and it is now confined in general to commoners and exclusively to laymen. They should naturally be men of considerable means so as to be able to meet the expenses for maintaining the dignity of his office, the emoluments being nil.

Under the Charter of 1726 the Junior Member of Council of Fort St. George at the time of the arrival of that Charter was to be nominated and appointed Sheriff. So on the Charter being proclaimed at Madraspatnam on August 17, 1727 Mr. Augustus Burton, being Junior Member of Council, was nominated Sheriff. But as he was at Fort St. David, the Sheriff-designate did not take part in the procession that was formed and marched before the Court was formally erected. On August 22 Mr. Nicholas Morse then Junior Member, was sworn in Sheriff.

After that the Government invariably nominated a Senior Merchant or European gentleman of some position. Gradually by the beginning of the nineteenth century "as unlike most other appointments of any value" it came to be held "by any one in India, the course has been pretty uniform to give it to some one not eligible to a situation in the service, to which, in general, the Government's patronage is confined. The consequence has been that, in some instances, it has been conferred upon persons rather in want of a provision than qualified for a station to which, at home, so much importance is attached." So wrote Sir Thomas Strange, Chief Justice, Supreme Court, Madras, who also expressed his "anxiety to raise the respectability of that office".

44 and 45 Vic. C. 58. 146 (1887) provides that the Sheriff shall not be a Government servant nor shall he belong to the profession of law or to the military service.

In electing a Sheriff the Government have invariably selected a gentleman of status and position, rich and influential—a premier citizen. In the words of that learned Chief Justice Sir Murray

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Coutts-Trotter "the Sheriff is invariably a prominent and wealthy citizen".

IV. OATHS OF OFFICE AND ALLEGIANCE

On the first Tuesday in December every year the Sheriff is "elected" by the President or Governor in Council of Fort St. George. In England it is the "pricking" of the Sheriff by His Majesty the King. On being elected he was under the Charter of 1726 to take the oaths of Office and Allegiance before the President (afterwards styled Governor) in Council or in his absence before two Senior Members of Council. The earliest of these available is the oath of office taken in 1814.

I, John McKerrell do swear that I will well and truly serve our Sovereign Lord the King in the office of the Sheriff of Madraspatnam. I will duly execute and make return of all Process of the respective Courts there and will do right to all manner of People poor and rich without fear or favour.

So help me God,

J. McKerrell.

Sworn before me in Fort St. George the day of December, 1814.

H. Elliot.

As to the Oath of Allegiance taken by the Sheriff not one such is available. The Oath of Allegiance taken by the Coroner of Madraspatnam in 1798 is extant:

I Herbert Avingdon Draper Compton do testify and declare my conscience that the King's Majesty is the only Supreme Governor of the realm of Great

Britain and of all other His Majesty's Dominions and Countries, as well in spiritual things and causes as Temporal; and that no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or authority, Ecclesiastical or Spiritual within this Realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities and authorities; and do promise I will henceforth bear faith and allegiance to His Majesty, his heirs and lawful successors; and to my power will assist and defend all Jurisdictions, Privileges, Pre-eminencies and authorities granted or belonging to the King's Majesty, his Heirs and Successors or united or annexed to the Imperial Crown of this Realm.

So help me God,
H. A. D. Compton.

Sworn before me,
13th day of April, 1798,
Wm. Abbott,
Mayor.

Presumably the Sheriff also took a similar oath.

On making the declaration the Sheriff enters upon the duties of office on December 20 every year. He is, without payment of any fee, entitled to exercise all the powers and authorities incidental to his office. The declaration of office is exempt from stamp duty. And "he shall be and continue the Sheriff until another shall be duly elected and sworn into the said office". (Shaw's Charters p. 17.)

It is the duty of the Sheriff at the expiration of the term of his office to deliver to the incoming Sheriff a correct list and account under his hand

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of all prisoners in his custody and of all rolls and writs in his hands not wholly executed by him together with the requisite particulars and all records and books and matters appertaining to the office of the Sheriff. The incoming Sheriff shall thereupon sign and give to the outgoing Sheriff a duplicate of the list of accounts which operates as a sufficient discharge.

V. THE SHERIFF'S SEAL

A special seal for the use of the Sheriff was sanctioned in 1745 and the President and Council directed "that the device on it be the Maces crossed on the Sword in a Mashle with 'Sheriff of Madraspatnam' in a circle round it". This appears to be the seal in use at the present day. The words contained in the present seal are the "Sheriff of Madraspatnam".

The Seal in 1945

VI. THE SHERIFF'S COURT

Soon after the establishment of the Mayor's Court under the Charter of 1726 it was thought desirable that there should be a Court of justice for recovery of small debts, wherein the forms of proceedings may be dispensed with and justice obtained speedily and at a lesser cost. It was therefore resolved by the President and Council on

November 27, 1727 that all petty causes should be decided in the Sheriff's Court and that the Sheriff should ultimately decide without appeal causes as far as five pagodas and that he might likewise decide as far as twenty pagodas allowing the parties the liberty of applying to the Mayor's Court in case they were not satisfied with the Sheriff's award. The Sheriff was also to keep a Register of slaves and also a Registry of Sales and Mortgages of houses as far as one hundred pagodas in value. The latter duties were till then performed by the Court known as the Court of the Justices of the Choultry composed of the Customer, Mint Master and Paymaster or any two of them. The Choultry Court was a Court of petty causes, a Customs House, and Registration office for the Registration of Sales of real property and for licensing slaves.

The Sheriff's Court was disapproved of by the Court of Directors. On July 21, 1729 it was determined by order of the Governor in Council and the old Choultry Court revived.

VII. TENURE OF OFFICE

As in England so in India the Sheriff is to be an annual officer. It was so enacted in England in 1444. In 1814 however Sir Hugh Elliot Governor of Fort St. George, recommended a variation in a letter addressed to Sir Thomas Strange, Chief Justice, Supreme Court, Madras.

I know that in England the Sheriff serves for one year and no longer but in the confined state of our British population here I think this rule not always applicable to this Presidency though I confess that it ought to be adhered to when proper opportunities offer for nominating different individuals each successive year.

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In reply the Chief Justice wrote:

What I understand to be proposed could not be, consistently with our Charter, which determines the law of the office as to its appointment as well as its duties and does not, I think, leave in the Governor in Council the discretion of continuing the same Sheriff for the ensuing year. It is founded throughout on the laws of England. Where variations were meant, the intention appears or must be plainly collected. It is so in the case of the office in question, which, with regard to its duties, differs in some respects in India from its condition at home. The intention (of the Charter) was that it should be construed by the law of England and not otherwise; and certainly by it the same person cannot be continued Sheriff for two successive years.

The learned judge in a note cites these authorities:

13 Ed. 3 St. 1 C. 7.
28 Ed. 3 C. 7.
42 Ed. 3 C. 9.

These statutes all direct that the Sheriff shall continue in office only one year.

1 Ric. 2 c. XI prohibits the same person being reappointed within three years, if there be other, sufficient in the country, of possessions and goods to answer the King and people.

23 Henry VI imposes a fine on the Sheriff continuing longer than a year.

12 Ed. 4 exempts him from the fine for continuing to act till he receives the writ of discharge.

See also 1 Bl. Com. 342.
1 Woodison p. 89 x.

(MSS Supreme Court Correspondence, Madras.)

In 1831 Sir Ralph Palmer, Chief Justice and Sir R. B. Comyn, Pusine Justice took the same objection. Their Lordships distinguish between cases in which the Sheriff came into office during the middle of a year consequent on the death of the incumbent in office and continued for the succeeding year as well (as in 1808 and 1825) and those in which the same person had already had one full term of service in it by filling it a whole year—their Lordships' objection being only to the latter class of cases.

Again the case repeated itself in 1861 and this time with success. On December 20 of that year Col. John Impett entered upon his duties of office as Sheriff. He was Sheriff successively for five years. He held the office till he died on December 3, 1866. Mr. H. D. E. Dalrymple, who succeeded him as Sheriff was in office for nearly four years from December 20, 1866 till May 3, 1870, when he resigned. He was again Sheriff for three years from December 20, 1870 to December 20, 1873. His successor Mr. J. C. Lock was elected for the next two years. So was Mr. W. W. Munsie from December 1876 to December 1878. His successors in office have each of them held the office for two years until we come to the election of Mr. R. G. Orr on December 20, 1890. In 1899 and 1900, 1902 and 1903, 1908 and 1909, 1911 and 1912, 1918 and 1919 and 1921 and 1922—for two years in each of these cases, the office was held by one and the same gentleman. That list discloses the names of Dewan Bahadur Pulicat Ramaswami Chetti, Mr. H. K. Beauchamp, Mr. W. Donald Smith, Mr. A. E. Lawson, Mr. W. A. Beardsell (afterwards Sir William Beardsell, Kt.) and Sir M. C. T. Muthiah Chettiar. After 1922 the Sheriff has been in office only for a year.

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VIII. THE BOOK OF INSTRUCTIONS

With the Charter the East India Company sent to each presidency a Book of Instructions and multifarious forms as to the method of proceedings in Civil suits, Sessions trials and probate and administration work. The Company thus strove to keep the Courts in the straight and narrow path of English Law. Its insistence on English law was due to the Charter being "principally designed for the Government and benefit of Europeans".

"Upon a bare inspection of the Charter transmitted to you," says the Preamble to the Book of Instructions for putting the Charter in execution, "it will appear that the Court established at Fort Saint George has the power to try, hear and determine all civil suits, actions and pleas between party and party, arising or happening within the limits therein particularly described". The duties of the Sheriff are detailed in the directions given for the procedure to be followed after filing a bill or complaint.

The manner of complaints should be "in writing in English, adopting according to the nature of the case, avoiding all prolixity and ambiguity, all impertinence and slander and confining it to as short a relation as the case will bear . . . . after which you should conclude with these words:—'May it therefore please this Honourable Court to cause the said C.D., the party against whom the complaint is to be summoned and required by the Sheriff of Fort Saint George and the Town of Madraspatnam and the districts of or belonging to the same personally to be and appear in this Honourable Court at a certain day and place to be by this Honourable Court thereunto prefixed and appointed and then and there to answer all and

singular the premises and further to stand and abide such order and decree therein as to this Honourable Court shall seem meet'.

"This complaint with us in England is called a Bill of Complaint . . . The complaint should be filed before a proper officer of Court . . . . to whom if you please you may give the name of Head Clerk of the Mayor's Court at Madraspatnam".

The Summons to call in or exact the appearance of the Defendant in Court . . . . should be in writing under the hands and Seals of 2 of the Judges of the said Court (whereof the Mayor for the time being or in his absence the Senior Alderman to be one) and under the seal of the Court directed to the Sheriff requiring the parties appearance to answer the complaint.

The form of the Summons should be thus :

By the Mayor's Court at Madraspatnam.

You are commanded by this Court to summon and require C. D. of Fort Saint George, Merchant, to be and appear before this Court on the day of at then and there to answer to the complaint of A.B. and further to do and receive such things as the said Court shall consider of in that behalf.

Given under the hands and seals of. . . . . the Mayor of Madraspatnam and of. . . . . . . one of the Aldermen of Madraspatnam being 2 of the Judges of the said Court and under the seal of the said Court this day of Anno Domini.

And the direction of this summons or precept to the Sheriff should be inscribed at the bottom of it on the left hand and on the right hand the Mayor

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and one of the Aldermen should write their names and put their seals after this manner.

E. F. Mayor of Madraspatnam.

G. H. One of the Aldermen of Madraspatnam.

To

The Sheriff of Fort Saint George,
Madraspatnam, and the Districts thereof.

And the Seal of the Court may be put in the margin or any spare part of the summons or precept.

In order to the speedy execution of these precepts the Sheriff should have one or more under-officers or bailiffs who should be sworn duly to return all writs and precepts directed to him or them and well and truly to execute the office whereunto he or they is or are appointed according to the best of his or their power and skill.

To this officer the Sheriff should give a precept to summon or require the defendant's appearance as above and the officer having so done or not finding the party should make return to the Sheriff on the back of the Sheriff's precept and then the Sheriff upon the back of the precept to him directed should endorse his return to the Court which should be to this effect :

By virtue of the precept or summons within writing I have caused the within named C.D. to be summoned according as by the said precept I am commanded and then the Sheriff is to sign the return thus.

Sheriff.

.........If the defendant makes default in appearing then after 2 days grace a warrant in the nature of an attachment should issue under the hands and seals of any two Judges of the Court . . . . . to take the body of the defendant and bring him to Court.

The form of which warrant should be thus:

BY THE MAYOR'S COURT AT MADRASPATNAM.

You are commanded by this Court to arrest, attach and take the body of C.D. of Fort Saint George, Merchant, and bring him before the said Court on the. . . day of. . . at . . . to answer the complaint of A.B. of Fort Saint George aforesaid, merchant, and then and there to answer unto such things as shall be objected to him and further to do and receive such other things as the Court shall consider of in that behalf.

Given under the hands and seals of........the Mayor of Madraspatnnam and. . . . .one of the Aldermen of Madraspatnam and under the seal of the said Court this. . . . . . day of. . . . Anno Domini.

E. F. Mayor of Madraspatnam.

G. H. One of the Aldermen of Madraspatnam.

To

The Sheriff of Fort Saint George,
Madraspatnam and the Districts thereof.

"When this Warrant is delivered to the Sheriff he is to cause his under officer to execute the same by arresting the body of the defendant and having so done the Sheriff is in default of bayle to hold

the defendant in custody at some proper place to be approved by the Court till the time appointed comes for bringing him into Court and then he is to be committed to or continued by the Court in the custody of the Sheriff until he shall have found sufficient bayle or security to abide and perform the final order and judgment of the said Court or such final order and judgment as shall or may be given upon any appeal to be brought in the said cause or to surrender himself to the said Court to be charged in execution till the judgment shall be satisfied or performed or otherwise until judgment or sentence shall be given for such defendant upon such complaint."

Then follow the proceedings necessary to obtain an answer from the defendant, the exceptions to be taken by the complainant to the answer of the defendant, and the further answer to be made by the defendant to those exceptions. When a compleat and perfect answer is obtained then the complainant if he means to proceed to judgment ought to reply to the defendant's answer by a Replication, which if filed, the defendant has time to rejoyn. Then issue is joined between them. Interrogatories are formulated next. Provision is made for the appointment of an Examiner who is to be duly sworn in as also an Interpreter in case the parties speak any language other than English, the hearing of the case before the Court and final judgment and for costs of suit; which should be taxed by the Register. "Then the complainant should either himself in person demand (the decree debt) and costs thus ascertained or should under his hand and seal authorise some proper person to demand and receive the same and give a discharge for it".

"Now if it should happen that the defendant though thus required should not pay the money

payable by the decree then the Court should award a warrant or warrants of execution to the Sheriff under the seal of the Court and under the hands and seals of two of the Judges of the Court whereof the Mayor or the Senior Alderman to be one, the form of which may be thus.

BY THE MAYOR'S COURT AT MADRASPATNAM.

Whereas it appears to this Court that by inspection of a decree in this Court and the proceeding thereon that C.D. of Fort Saint George merchant adjudged and decreed to pay A.B. of Fort St. George merchant the sum of.........pagodas as a debt due to the said A.B. together with the sum of............pagodas for costs of suit which the said C.D. hath not hitherto done. These are therefore to require you without delay to levy or cause to be levyed the said debt of......... pagodas and the said.........pagodas for costs of suit out of the goods and chattels of the said C.D. and to that end if necessary you are to cause sale to be made of such goods and chattels and to have the money before the Mayor's Court at..............on the...... day of..............to render the said debt and costs to the said A.B. and to render over the plus (if any be) to the said C.D.

If the Sheriff finds that there are goods or chattels of the defendant sufficient to satisfy the debt and costs then he should endorse on the back of the precept a return to this purpose.

By virtue of the within written precept to be directed I have levyed by sale of the goods and chattels of the within named C.D. the debt and costs of suit within specifyed which moneys I have ready to render at the time and place within men-

tioned to the within named A.B. for his debt and costs as I am by the within written precept commanded.

Sheriff.

If it happens that more money is raised by the sale of the party's goods than is sufficient to pay the complainant his debt and costs then the Sheriff should say he has levyed by sale of the defendant's goods and chattels the sum of............and that he has ready to render at the time and place within written to the within named A.B. the sum of.........for his debt and costs and the sum of......... residue of the said sum of............to the said C.D. as by the within written precept I am commanded.

And at the day of the return of the Writ the money ought to be paid according to the tender in the Sheriff's return and an entry of such payment should be made in the registry and should be signed by the party receiving the same.

But if instead of levying more than is due the Sheriff should not find enough for that purpose, then he should return 'That he has levyed the sum of............parcell of the within mentioned debt and costs which is ready to render to the said A.B. at the time and place within mentioned but that the said C.D. has no other goods or chattels in his the Sheriff's district by which he could in any manner levy the residue of the said debt and costs.

This being the case and common justice requiring that satisfaction should be made for the whole debt and costs to the complainant the Charter has therefore provided that the defendant should be imprisoned till such satisfaction and to this end a warrant should issue from the

Mayor's Court reciting the precept to the Sheriff to levy the debt and costs and his return thereon and then it should be said to this purpose.

Now the Court being willing that compleat justice be done to the said A.B. and that he be satisfyed the residue of his debt and costs the Court doth therefore require and command you to take the body of the said C.D. wheresoever he shall be found in your district and you are to keep him in safe custody so as you may have his body before the Court at...........on the...........day of........... to testifye the said A.B. the said sum of........... residue of the said debt and costs at which time and place you are also to have this precept given etc. as before.

To this precept the Sheriff should return to this effect.

By virtue of the precept within written to me directed I have taken the body of the within named C.D. whose body I have ready before the Mayor's Court at the time and place within named to satisfy the within written A.B. for the residue of his debt and costs as I am commanded.

If the Sheriff cannot find any goods or chattels of the defendant at all he is then to make a return to this effect.

The within named C.D. hath no goods or chattels within my district whereby I can levy the debts and costs within mentioned or any part thereof.

Then follows the precept for imprisonment and if the defendant is not found or there happens to be no surrender and he is alive, the Court should proceed against the Bayle by a precept to the Sheriff to be served upon them "to warn and

summons to the said J.K. and L.M. to be and to appear before the said Court at........on the........ day of........to show cause why execution should not be awarded and issue against them for the debt and costs decreed to be paid to the said A.B."

If the Sheriff cannot find the Bayle then his return should be thus:—

The within named J.K. and L.M. have not nor hath either of them anything in my district whereby I can warn them or nor are they or either of them found therein.

Sheriff.

Upon the return a new precept should issue and when you come to the Mandatory part you should say the Court doth will and require you (as heretofore they have in like manner done)........... and there should be at least four days between the dates and returns of each precept.

And if the Sheriff makes the like return as he did to the first that the bayle are not to be found.

These two returns taken together are of equal force as if he had returned them summoned and if they do not appear at this last return and show cause why execution should not be awarded against them it must be awarded.

Then follows the form of the execution against the bayle and the instruction that upon this execution such proceedings are to be had against the bayle as is above mentioned with respect to the principal and the arrest of the body of the bayle. Then provision is made for cross bills and bills of rivivor and appeals with the necessary forms of summons and precepts.

Hitherto what has been said serves for explaining the method of prosecution in cases where the defendant appears freely or by force but it may so happen that the defendant may withdraw himself from the jurisdiction of the Court and this possibly on purpose to elude the justice of it in which case there would have been a failure of justice if provision had not been made against it in the Charter and the provision for that purpose is so particular and delivered in such plain and express terms that it needs no explanation nor any further instructions concerning it except possibly that it may be necessary first to give the form of such a sequestration—

BY THE MAYOR'S COURT AT MADRASPATNAM.

Whereas the Sheriff of Fort St. George the Town of Madraspatnam and the districts thereof was by precept issuing out of this Court dated the...........day of...........required and commanded to arrest etc. (according as in the precept) and whereas the said Sheriff did at the day mentioned in the said precept return to this Court that the said C.D. the defendant was not to be found within his district and whereas an affidavit (or if the case be so) proof was made in this Court verifying the demand of the complainant in his suit against the defendant to the satisfaction of this Court and whereas this Court taking the premisses into consideration did on the.....day of.....last past order direct and grant that a sequestration should issue to seize the estate and effects of the said C.D. the defendant to the amount and value of.........These are therefore to will and require you without delay to seize and sequester or cause to be seized and sequestered the estate and effects of the said C.D. defendant to the value or amount of the said sum of...........and the same to detain in your custody

till the further order of the Court and of what you shall do herein you are to make return to the Court at............on the.......day of..........together with the precept.

Given under the seal of the Court and the hands and seals of..............the Mayor and........ one of the Aldermen in Madraspatnam this....... day of............ Anno Domini 1726.

To

The Sheriff etc. as before.

The Court (as being a Court of Record) may fine the Sheriff and fine and imprison any of their other officers for misbehaviour, contempt or disobedience to the Court.

And it would be proper for the Court where an officer is admitted to administer to such officer the oaths of allegiance and supremacy besides the oath of office.

In consequence of these powers the Court may if they find it reasonable and agreeable to justice alter any of the Rules of Practice hereby proposed and may shorten or lengthen any of the times hereinbefore limited for the acts of either of the partys or the Court may appoint their own times of meeting which however had better be stated such as Tuesday, Thursday, and Saturday or Monday, Wednesday and Friday or twice or once a week as is most convenient always observing before the breaking up of one meeting to adjourn the Court to the next meeting at which time they should assemble without fail though there be no business but only to adjourn again.

IX. THE SHERIFF'S TROUBLES

Under the Charter of 1726 the Sheriff was to be "our Sheriff of Fort St. George and the Town of Madraspatnam and the District aforesaid and for any space within ten miles of the same". The last portion of this clause gave rise to many difficulties and disputes. The reason was the Company's bounds did not extend in all directions to that distance.

In 1735 when Torriano was Sheriff the Mayor's Court imposed a fine on him for inserting according to an order of the Court of Directors in the bill of sale of a house a fee paid to the Choultry Justices for certifying the sale. On appeal by the Sheriff the President in Council remarked that the system of alternative registration before the Mayor's Court or at the Choultry opened a door to fraudulent conveyance of property and the Council considered that the Company's standing orders could not be overridden by the Charter.

The extension of the sphere of the duties of the Sheriff to "within ten miles" of Fort St. George led to conflict with the Moors and the native powers outside the Company's bounds in Triplicane, Tiruvatteeswaranpet etc. In 1736 a Poligar was arrested by order of the Mayor's Court in Tiruvatteeswaranpet, which was clearly outside the boundaries of the Company's territories though within ten miles of Fort St. George. This was fraught with trouble and inconvenience. The judiciary issued the writ. But the executive ordered that "no Sheriff do serve any warrant of arrest or execution upon the person of the Poligar of Madras or any of the Polygars of the villages nor upon their dwelling houses where they keep their prisoners nor upon any of the duties due and

payable to them for the guard and safety of the Town and Villages". (H.D. Love "Vestiges of Old Madras" Vol. II, p. 275).

In the same year the Mayor's Court committed to Jail two merchants named Perrinna Mudalare and Ramachandree "for no other reason but that they had refused to take certain oaths which they alleged were contrary to their religion and the rules of their caste". On the 28th of September, a great crowd of people entered the Fort with their complaints about the Mayor's Court; "the crowd and clamour was so great and some of them calling out that if such a power was tolerated, they would not continue longer in the bounds". Thereupon the President sent for the Mayor and the Sheriff. The first owned to him that the said two merchants were only imprisoned because they refused to take certain oaths at the Triplicane Pagoda. The President urged the necessity of paying regard for "consciences truly scrupulous" and pointed out that the natives might not be disturbed in their religious rites and ceremonies and finally "he desired the Sheriff to release the Merchants upon their Parole, which was accordingly done and then the people being satisfied, they dispersed. ("Vestiges of Old Madras" by H. D. Love Vol. II p. 276).

In 1746 Madras was captured by the French and was under their control till it was restored to the English in 1749 by the treaty of Aix-la-Chapelle.

The Mayor's Court was reconstituted by the Charter dated January 8, 1753. This time, in view of the conflict with the authorities outside the Company's bounds, the framers of the Charter took care when they put in the clause relating to the appointment of the Sheriff that a Sheriff is to be appointed annually by the Governor in Council

and he shall "continue our Sheriff of Fort St. George and the town of Madraspatnam and the District aforesaid". And the words "and for any space within ten miles of the same" have been purposely omitted.

The mention of the year 1753 recalls to our minds the Rev. John Philip Fabricius, who in that year officiated at the marriage of Lord Clive, the founder of the British Empire in India. That clergyman was subsequently in the debtor's jail under the custody of the Sheriff.

The year 1777 is the year of a striking episode in Madras History. Lord Pigot, Governor of Madras, was deposed by his Council and imprisoned at St. Thomas Mount and he died in confinement. The Coroner's Jury returned a verdict of "Wilful Murder". On the verdict of the Coroner's Jury the Members of Council were arrested and handed over to the custody of the Sheriff. They had a taste of the treatment they had meted out to Pigot but after a fortnight's confinement were released on bail (Madras Tercentenary Volume pp. 105 and 204).

In 1779 the Sheriff had troubles again as regards jurisdiction. On the 13th of September of that year William Jackson Esq., Sheriff of the Town of Madraspatnam was accompanied by his Deputy John Fairney, his Bailiffs Thomas Clifford and Thomas Ives, a dubash belonging to Captain Nathaniel Bacon and the Sheriff's dubash as his Interpreter to give lawful possession of a house in Tiruvatteeswaranpettah commonly called the Ommer's house to Captain Nathaniel Bacon who had purchased the same at public sale. About ten minutes past 12 o'clock of the forenoon of the same day; the Sheriff with the

aforementioned persons arrived at the gate of Ommer's house, when getting out of the Palanquin with his sword on and the Wand in his hand he found himself surrounded by a number of Sepoy Officers and Sepoys. The Sheriff asked who they were and in whose service. They replied that they were in the Nabob's service. He then told them that he wanted to go into the house, when they assembled in his way and the Black Officer put his hands to the Sheriff's breast and told the Sheriff that he should not enter into the house for they had orders not to let him in. The Sheriff then demanded entrance several times in the King's name, when the Subadar who said he belonged to the Nabob replied that he must have the King's order first or he, the Sheriff, should not go in unless he the Sheriff killed him". What happened subsequently the Sheriff reported as follows :—

"Finding I could not enter into the aforesaid house, I called upon the posse comitatus to assist me in the execution of my duty and ordered my interpreter to explain to the people standing near us, but did not receive the least assistance. At this instant I saw a man come out of the aforesaid house who by his uniform had the appearance of a Havildar of Sepoys: he whispered the aforesaid Subadar and instantly I, my Deputy and Officers, interpreter and Palanquin boys were immediately attacked by the Subadar and about forty sepoys. Finding it would be in vain for me and my people to oppose so large a body of soldiers, some being armed with swords and others with muskets, I ran away and was pursued by the said Subadar and several sepoys for some hundred yards in the course of which pursuit I lost my Wand; but being at last quite exhausted with running so far in the heat of the sun, I threw myself into a Botique or Shop and repeatedly called out for the assistance

of a posse comitatus but in vain. In about a minute afterwards the aforesaid Subadar and two or three sepoys seized me and began beating me in a violent manner as I lay in the shop. At last they dragged me out and repeated their blows in so much that I was put in fear of my life. A little time afterwards a Sepoy pulled away my sword and stole my hat and he, with the assistance of another Sepoy and the said Subadar dragged me by main force towards the aforesaid house; when they had brought me near the house I saw a man who had the appearance of a dubash come out from the aforesaid house in a violent hurry and saying something which I did not understand to the Subadar and Sepoys who were dragging me along; they immediately let me go and told me repeatedly "To Jow" (Be off) throwing away my hat and sword on the ground, which I took up, called for my Palanquin and returned to the Fort" ("Vestiges of Old Madras" by H.D. Love Vol. III pp. 190-191). (John Allison vs. Ommeer Ul Umirah Bahadur). As a result of this the Nawab of Arcot appealed to the Governor to be exempted from the jurisdiction of the Mayor's Court.

By 1796 the Mayor's Court was found too inadequate to meet the growing needs of a growing settlement. Further the Government wanted to obviate the friction between the judiciary and the executive. So Lord Hobart, the Governor, framed a new Charter under which a Court of law presided over by a barrister judge was to be erected on the model of the Supreme Court at Calcutta but at the same time to be less expensive than the one at that place. Even under this Charter the Sheriff's position was kept intact.

The Charter of 1798 erecting the Recorder's Court at Madras left the provisions regarding the Sheriff untouched. The proclamation on the part

of Government erecting that Court was read by the Sheriff.

No question as to the extent or limits of Madras appears to have arisen until the establishment of the Recorder's Court at Madras, when by an order of the Governor in Council dated November 2, 1798, the day after the Recorder's Court was opened it was resolved and ordered that the southern limits should be the southern bank of the St. Thome River as far as the road leading to the Long Tank; that the limits should then be continued in a northern direction along the bank of the Long Tank and from thence along the bank of the Nungambakkam Tank as far as the village of Chettoopett upon the banks of the Poonamaly River; that the limits should be continued in the same direction to the village of Kilpaukam and Perimboor and from the latter village take an easterly direction to the sea so as to include the whole village of Tondiarpetta". This was laid down as the jurisdiction within which that Court was to function. The author of this was Sir B. Sulivan, then Advocate-General. When the same boundaries were adopted for purposes of municipal assessment the same Sir B. Sulivan refused to pay the tax on his house in Tanampettah! Upon a warrant of distress being issued and the amount destrained he filed a suit for tresspass against the justices. That action was on his death discontinued by his creditors.

In 1799 Lord Clive, the Governor, proposed a fixed stipend for the Sheriff. "That officer", he wrote, "has been in the practice of retaining one-third of the sum allowed for his bailiffs at Madras and of drawing for no less than fourteen others, who do not exist, producing in the whole the sum of pagodas 104 per month together with poundage upon sale".

The fall of the Mysore Empire, the acquisition of the Ceded Districts, the annexation of the Carnatic and Tanjore finally shaped the Madras Presidency. The revenues had increased. The Charter of 1798 was found inadequate. So a Charter was granted in 1800 establishing the Supreme Court at Madras. The Court was opened in 1801. This Charter also incorporated the provisions as to the Sheriff and empowered him to appoint a Deputy. In 1801 the judges thought that the monthly salary of 60 pagodas and the allowance of 12 pagodas for his palanquin allowance were too small for him and recommended a consolidated salary to that officer, the deputy sheriff.

Very soon conflicts arose between these King's Courts represented by the Hon'ble the Judges and the Company's officers, the executive, represented by the President or Governor in Council. The Court began to make rapid strides at jurisdiction. The executive had to check the same in view of the treaties it had made with the native powers. The Court demanded obedience to its writs or orders. The Government exacted obedience to its power. Dissensions arose between the Court and the local Government at Madras during the time of Lord Powis (1798-1803) respecting the immunity of the Nabob of Arcot from the King's Process.

Another instance in point is the case of Mandeville. In 1803 Lieut.-Col. Mandeville was tried by a Court-martial and sentenced to be cashiered. And in accordance with a General order of the Board of Directors he was required to proceed to England. At first he pleaded sickness and poverty and was permitted to remain for a year. Then he pleaded a desire to prosecute a native for perjury but was peremptorily ordered to embark. Upon this he absconded but was apprehended on his way to

Pulicat and embarked under a military guard on board the Brittannia. Then one of the judges of the Supreme Court (it is believed that it was Sir Henry Gwillim) granted a writ of Habeas Corpus as Mandeville had been bound over to prosecute a native. Meantime the Town Major fired a signal for the immediate departure of Brittannia but without effect. The Captain delivered up Mandeville to the Sheriff's officer and then proceeded to England. The Sheriff's officers were confronted by armed Sepoys upon the beach and it required tact on their part to take Mandeville in safety to the judge's residence. It was nearing sunset and so on Mandeville's own undertaking to remain in custody till daybreak the judge ordered that he should be brought back the next morning. As the Sheriff's officers were returning with Mandeville across the judge's gardens a military force was seen waiting at the gate. The officer commanding rushed in and seized the prisoner with the help of the guard. But the judge who heard of what was happening in the gardens came out and received back Mandeville into his house. Next day Mandeville was released at 12 noon. Subsequently the judges of the Supreme Court announced their intention of proceeding no further in the matter and the Town Major was directed to arrest Mandeville. The latter however had strongly barricaded his house and was only apprehended after a considerable struggle during which he fired his pistol six times and severely wounded two men.

Not long after the defalcations of large sums of money by Gilbert Ricketts, Registrar, Supreme Court, Madras in 1814 from the estates of deceased persons, a gentleman was appointed Sheriff of Madras and in that capacity moneys belonging to Suitors of the Court came into his possession; he having been unfortunate suddenly quitted India

and proceeded to America. This resulted in a defalcation of suitors money. (" Asiatic Journal ", New Series Vol. X, Part II, p. 70).

In about December 1839 Mr. Handley, Chief Officer of the Lord Lowther, was convicted of joining in a mutiny on board that vessel and sentenced to 18 months' imprisonment. With the permission of the Sheriff he was residing in a private house and had been seen abroad. It even came to the notice of Sir E. Gambier, Judge, Supreme Court. But no action could be taken in Court for want of a prosecutor—the Advocate-General of the Government having refused to undertake the office. The Sheriff however justified his conduct by observing that the warrant of commitment did not specify the jail as the place of confinement. (" Asiatic Journal ", New Series, Vol. XXXI, Part II, p. 349).

With a letter dated August 18, 1817, three English women followers of H.M.'s. 86th Regiment, one a married woman, one a widow and a third an unmarried woman in keeping were sent to Madras to take their trial at the Sessions of the Supreme Court. They were tried and found guilty and sentenced to a week's imprisonment. On the expiry of the sentence on November 4, 1817, they were unable to travel back to Masulipatam without pecuniary assistance. The Hon'ble the Judges therefore desired the Sheriff to advance 20 pagodas for this purpose (11-12-1817). The Government was pleased to sanction the payment and repay the Sheriff's bill.

As regards the collision between the judiciary and the executive Sir Thomas Munro in a consultation delivered on March 15, 1822 observed:

"If the Supreme Court are permitted to set aside by their decrees the orders of Government we shall at last weaken...........and destroy that

authority". The case he had in mind was apparently that of Kullam Oolla Khan in which the Court assumed jurisdiction over a jaghir 100 miles beyond its limits. The case is a remarkable one. Kullam Oolla Khan had received a jaghir from the Madras Government. This had been formerly granted to his father Asim Khan, Dewan of the Nabob Wallajah, Prince of the Carnatic. The grant by the Madras Government was confirmed by the Court of Directors. The possession of this jaghir his brothers disputed with him; and at the instigation of certain Europeans they filed a bill against him and the Company in the Supreme Court at Madras in which they prayed that Kullam Oolla Khan might be compelled to account for the revenue of the jaghir amounting to eleven lacs of pagodas (£440,000) and that the Company should be compelled to issue a new grant of the jaghir to all the brothers and sisters jointly; on which the judgment was passed by the Supreme Court against the defendants whereby they, involved Kullam Oolla Khan in utter ruin and obliged him to fly for refuge to Pondicherry apparently to avoid processes of Court being executed against him by the Sheriff.

In Stephen Lazar vs. Colla Ragava Chetty (2 M.I.A., 81 P.C.), the question arose as to whether the Sheriff could, under a writ of fieri facias issued by the Supreme Court, seize goods and chattels within its jurisdiction and sell villages in the mofussil though covered by the suit mortgage bond. The question did not directly come up for decision but Lord Denman observed that it was doubtful "whether the Sheriff had any right to proceed against those lands which it seems are not within the jurisdiction limited to the Supreme Court by the Charter of the King but within the jaghire of the Company" (1838).

By Act XXIII of 1840 the Sheriff was empowered to execute mofussil writs. Prior to the enactment great inconvenience had been experienced in consequence of the difficulty of procuring the attendance as witnesses before the mofussil authorities of persons resident within the local limits of H.M.'s Supreme Courts. Justice was often frustrated by reason of person and property within such limits being exempted by process issued by such authorities. This had also occasioned inconvenience to the inhabitants within such limits in suits in the mofussil courts to which they were parties. The Sheriff ceased to perform these duties in 1877 when by Act X of 1877 all processes issued by the Mofussil Courts came to be executed by the Presidency Courts of Small Causes.

With the establishment of the High Court under the Charter of 1862 by which the King's Courts (Supreme Courts) and Company's Courts (Sudder Courts) were amalgamated and the mofussil Courts reorganised on a basis approximating to their present position, the rules laid down by the Code of Civil Procedure were followed. Today the provisions of the Civil Procedure Code as amended in 1908 govern the service of processes and execution of writs etc. The High Court Original Side Rules lay down the forms to be adopted.

X. AT THE QUARTER SESSIONS

The ordinary writ of summons with which an action in the Supreme Court or High Court commences is in form a command by the King to the defendant to appear and answer the plaintiff's claim issued in the name of the Chief Justice under the Seal of the Court. The Sheriff, the royal officer, serves the processes and executes the writs issued by His Majesty's Courts of Judicature at Madras. Then follow the other processes such as warrants

of execution, arrest, attachment, sale of movable and immovable property and of possession of immovable property, summonses to defendants, witnesses, citations, notices and all other processes. He also serves summonses etc. and executes warrants of attachment etc. issued by the Court for the Relief of Insolvent Debtors. It is also his duty to serve the processes issued by the Crown Side of the High Court. He is also to receive and detain in prison all such persons as shall be committed to his custody by the Court. He presides over the preparation of the annual list of persons qualified to serve on juries and summons the jurors who are to serve at each quarterly Criminal Sessions of the High Court.

"It is difficult" says Sir James Stephen "to give a perfectly clear account of the nature of the Sheriff's functions at the Criminal trials".

The Sheriff prepares the list of jurors who are to attend the Sessions and for that purpose he issues the following letter to the Heads of Firms and Departments:

Sheriff's Office,
High Court House,

Madras......................194 .

From

The Sheriff of Madras,
Madras.

To

....

Sir/Gentlemen,

To enable me to prepare a full and accurate list of all persons qualified and liable to serve as

Jurors for the year commencing on 1st May next, under the Jury Rules of the High Court, I have the honor to request you to be so good as to furnish me, **by return of post,** with an alphabetical list, according to the form given in the Schedule on the reverse, of every one **at present** employed in your office or under your control liable to serve, with their Christian or Country names in full **together with a list of all such persons who are expected to be Madras during the year from 1st July 19 to 30th June 19 .**

2. I have the honour further to request that you need not insert in such list the name of any person who though qualified does not perfectly understand the English language, or is afflicted with any infirmity of body or mind sufficient to incapacitate him from serving as a Juror.

3. Under the Jury Rules the following persons shall be qualified and liable to serve as Jurors :—

1st. Every person whose name is in the present list of Jurors.

2nd. Every male person between the ages of 21 and 60, resident or personally working for gain within the limits of Madras, provided he occupy a house or tenement of the monthly value of Rs. 30, or of the annual value of Rs. 300, or whose property or interest in lands, tenements or goods would be worth Rs. 3,000, after payment of his just debts, or who is in receipt of an income or salary of not less than Rs. 100 a month.

3rd: Every other male person between the ages of 21 and 60 resident or personally

working for gain within the limits of Madras, whose character and education render him, in the judgment of the Clerk of the Crown, a fit person to serve as a Juror.

4. I request that explanation may be furnished for omission of any name appearing in the previous list which is herewith sent **for reference and return and that the salary or income** of each person be given. **I further request that all cases of transfers, return from leave and leaving Indian for good, may be notified to me in future from time to time.** Please also furnish the educational qualifications of each person as required in col. 9 on the reverse.

I have the honour to be,
Sir,/Gentlemen,
Your most obedient servant,
Sheriff of Madras.

Schedule on the reverse.

(1) Names in full.

(2) Style or calling (Designation)

(3) Residence

(4) Religion *

(5) If Christian, whether

(1) European or American

(2) Anglo-Indian or

(3) Indian-Christian

(6) Qualification i.e. salary or income etc. †

(7) Department to which each officer belongs.

(8) Intending absence from, or return to, India to be noted.

(9) Educational qualifications i.e. Graduate or non-graduate.

*Under the column of "Religion" it will be sufficient to say, "Christian," "Muhammadan," "Hindu" or the like without specifying the particular church or sect of the party.

† Heads of Departments or Partners of Firms are requested to give this information in the case of salaried employees with a view to enable the Clerk of the Crown to select Special Jurors.

After the Jury list is prepared and prior to the commencement of the High Court Sessions, under Section 5 of Act X of 1875 the Chief Justice issues through the Clerk of the Crown a precept to the Sheriff in the following terms :

In the High Court of Judicature at Madras
Crown Side.

Madras. { George VI, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith and Emperor of India.

To

The Sheriff of Madras, Greeting.

We command you that you cause to come before our Justices of Our High Court of Judicature at Madras at the Court house of the said Court on ....the ....day of .... next at 10-45 of the clock in the morning of the same day..........................good, sufficient, honest

and lawful men principal inhabitants of the said town being persons qualified and liable to serve as Special Jurors and also at 10-45 of the clock in the morning of the same, day......................... ......good, sufficient, honest, and lawful men inhabitants of the said Town of Madras qualified and liable to serve as Common Jurors by whom the truth of facts may be better known and enquired into and to do all such things as on our behalf shall be then and there enjoined them one-half at least of the said number of Special Jurors being of that class of persons usually designated by the term "Europeans, Americans, and Anglo-Indians" and one-half of the said number of Common Jurors being of that class of persons usually designated by the term "Europeans, Americans and Anglo-Indians" and the other half of each of the said number of Special and Common Jurors being of the class of "Indians" and all the Jurors aforesaid being persons having no affinity to the prisoners in custody for trial by our said Justices and that you cause publicly to be proclaimed throughout your bailiwick that all who will prosecute any of those prisoners be then and there to prosecute against them as shall be just and that you give notice to all the Justices of the Peace of the Town of Madras, all Constables, Peace Officers and others that they be then and there in their own proper persons with their rolls, records, charges and other remembrances to do those things which to their offices in that behalf belong to be done and that you yourself and your Deputy Sheriff together with your bailiffs and other officers be then and there in your own proper persons to do those things which appertain to your and their offices in this behalf to be done and that you have then and there the names of the Special and Common Jurors aforesaid and this Writ.

Witness the Honourable .... Chief Justice at Madras aforesaid, the.......... day of............in the year of Our Lord One Thousand Nine Hundred and Forty..............in the........... year of Our Reign.

Clerk of the Crown.

On receipt of this Writ the Sheriff issues the Proclamation in the following form :

Proclamation.

Madras)
To Wit)

By virtue of a Precept to me directed by His Majesty's High Court of Judicature at Madras I hereby proclaim and give notice that a Sessions of Oyer and Terminer and General Gaol Delivery in and for Fort St. George the Town of Madras and the local limits thereof and the places and factories subordinate thereto will be holden at the Court House of the Court at Madras aforesaid on.............. ensuing the date hereof at eleven o'clock in the forenoon for the trial of all crimes and offences done or committed within Fort Saint George or the Town of Madras at the local limits thereof and places and factories subordinate thereto and dependant thereon.

And also that at the same time and place will be holden a Session of Admiralty for the trial of all crimes and offences done or committed on the High Seas.

And I hereby require and enjoin all persons bound to prosecute and give evidence at the above

Sessions or in any wise concerned therein to attend at the time and place abovementioned and not to depart without leave.

Dated this...........day of........ 194 .

Sheriff of Madras.

This is also published in the Fort St. George Gazette.

Then the Sheriff issues summons to the Jury. The form is noteworthy:

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Sessions of Oyer and Terminer and General Gaol Delivery and Admiralty.

To

....

You are hereby required and commanded to be present and appear before The Honourable.... ....Kt., Chief Justice, and his companion, Justices of Court of Oyer and Terminer and General Gaol Delivery and Admiralty at Madras at the Court House of the said Town of Madras, on ....the ....day of........ at 10-40 of the Clock in the morning of the same day and on every other day on which you are asked to appear, then and there to serve on the Common/Special Jury and not to depart without permission. Hereby fail not on pain and penalty that shall fall thereon.

Given under my hand and the Seal of my Office, at Madras, aforesaid, this.........day of.............in the year One thousand nine hundred and forty...........and in the..........year of the Reign of Our Sovereign Lord George VI, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, and Emperor of India.

Sheriff of Madras.

N.B.—It is particularly requested that Gentlemen summoned to serve on the Jury will be so good as not to make any application to the Sheriff to be excused from serving, as he will be unable to attend to such applications, the power of excusing Jurymen resting entirely with the Hon'ble the Judges of the High Court, to whom applications for exemption should be made through the Clerk of the Crown.

On the day of the opening of the Sessions the Sheriff is at the head of the procession which conducts the Judge to Court to open the Commission. The chobdar carries the silver-gilt mace in front. He is followed by two of the Sheriff's men carrying javelins. Behind them goes the Sheriff in his ceremonial dress carrying the silver-gilted wand, if it is a Sessions of Oyer and Terminer and General Gaol Delivery that is to be holden or an oar, if it is to be an Admiralty Sessions. He is followed by the Judge in scarlet robes. The Commissioner of Police coming behind the Judge completes the procession.

The silver-gilt maces have been in use ever since they were bestowed by the mastermind of Sir Josiah Child upon the Mayor's Court at Madras in 1688. In a letter to the President and Council of Fort St.

George, dated September 28, 1687 he writes : "For the greater solemnity and to attract respect and revenue from the common people, the Mayor is to have always carried before him when he goes to the Guildhall or other places of assembly two silver maces gilt, not exceeding three feet and a half in length........." The proceedings of the Mayor's Court, dated November 20, 1689 contains, this note among other matters :—

"Bartholomew Rodrigues, one of the Aldermen of this Corporation, was paid Pagodas 327, being in full of a bill drawn upon the said Corporation for their maces............the said Mr. Rodrigues demanding interest upon principal and was by this Court acknowledged to be due, but upon request to the said Mr. Rodrigues he was excused the payment thereof and accordingly thanks was given for his civilities to the Corporation". The javelin-men have come into the procession with the Sheriff. Macaulay, in his 'History of England,' tells us : "There were the halls where the Judges robed in scarlet and escorted by javelins and trumpets opened the King's Commission twice a year". They are also mentioned in the picture portrayed to us by Gilbert Coleridge in his book 'Some and Sundry'. The procession to the Court of Assize was 'ushered by a blare of trumpets and a display of flying penons attached to the 'javelin men,' who marched beside the state coach and four horses which conveyed the Judge from the lodgings to the Court House".

The procession thus started goes to the Sessions Court Hall. When the procession reaches the dais "Silence" is proclaimed; the Judge stands in the middle, the Sheriff on the right and the Commissioner of Police on the left; while the Court thus

stands the following proclamation is made by the Court Crier :

"Oyez! Oyez! Oyez!

All manner of persons having business with my Lord the King's Justice in this Sessions of Oyer and Terminer and General Goal Delivery and Admiralty in the City of Madras will now draw near and give their attendance and they will be heard. God save the King Emperor of India and My Lord the King's Justice".

On the wall behind the dais there is painted a Royal Coat of Arms.

The next occasion when we meet the Sheriff or his subordinates at the Sessions is when a bailiff attends the Sessions to conduct the Jurors to their Retiring Room if they are unable to agree upon their Verdict in the Juror's Box itself. Before the Bailiff takes charge of them he is sworn by the Clerk of the Crown :

"You swear that you will well and truly keep this Jury without meat or drink * and that you will not allow any person to speak to them nor speak to them yourself unless it be as to their Verdict. So help you God!"

The reason why they are thus put in charge is that they are not permitted to separate until they have returned their verdict or have been discharged for failure to agree. There have been instances where the Jury have been locked up for hours and permission of the Court had to be obtained to supply the necessaries to the members of the Jury.

***Note.**—The Books of Instructions adds Fire or Candle Light.

At the Quarter Sessions held on July 23, 1794 Mootee Sam Jung, a resident of Pursheewauk in the vicinity of Madraspatnam within the jurisdiction of that Court was arraigned for murder. He pleaded Not Guilty to the Charge.

The following persons were then Sworn on the Petit Jury:

James Sutherland	...	Sworn
Daniel Read	...	Sworn
James Waddle	...	Sworn
James Brown	...	Sworn
Erskine Nimmo	...	Sworn
Edward Jones	...	Sworn

The Prisoner then requested to have half the Jury of his own Cast.

Ordered accordingly.

The Native Jurymen were then called:

Saulmeyah Meeraly Sab	...	Sworn
Caremoo Saib	...	Challenged
Anjullaby Maistrey	...	Challenged
Jaunpeira Maistrey	...	Challenged
Moideen Maistrey	...	Challenged
Ayant Cawn Maistrey	...	Challenged
Jemaloodeen Saib	...	Sworn
Rahemann Saib	...	Sworn
Hoossin Saib	...	Sworn
Ismaul Lubby Maistrey	...	Sworn
Packer Saib	...	Sworn

Mr. John Wilkinson on the part of the Crown opened the case and examined some witnesses.

Mr. James Stuart Hall was Counsel for the defence. He also examined a witness. The Counsel

for the Prisoner being asked if he had any further evidence to produce, he said he had not.

The Petty Jury then retired with Richard Ashton, the sworn Interpreter, to consider on their Verdict, a Bailiff having been first duly sworn to keep them.

Sometime after the Bailiff informed the Court that Mr. James Brown, one of the Petty Jurymen, being extremely unwell, requested the permission of the Court that he might have a glass of water. The requested was granted.

The Bailiff again came and informed the Court that some of the Native Petty Jurymen being much indisposed were desirous of being allowed to retire from the room for a few minutes.

The Court being pleased to permit, a second bailiff was sworn to take charge of each of the Jurymen, one by one as often as they may be necessitated to retire.

"The Court being apprehensive that the Petty Jury will not be shortly agreed on their Verdict and some of the Jurymen having complained of Indisposition, is pleased to order that one Loaf of Bread and two Bottles of Wine be allowed to the European Jurymen and twelve Leaves of Bettle to each of the Native Jurymen and such quantity of water as they may require".

On the 2nd of March 1796 Appasawmy Moodelliar, who was charged with the murder of Paupadoo, was put up for trial before the Sessions Court.

The prisoner pleaded "Not Guilty" to the Charge. Counsel for the prisoner claimed the priviledge of a Jury half Europeans and half Natives.

The evidence for the prosecution was that Paupadoo with four others lived in the house of one Nagappa Moodelliar at Triplicane. They were all coolies by profession. Rungasayee Moodelliar, uncle of the accused, had lost a chest. The prisoner said that these coolies should make good the chest and that they would not be released till then. Then he directed his palanqueen boys to beat and flog these coolies. The hands of Paupadoo were fastened and bound to his knees thrusting a stick between them, threw him on the ground and gave him blows on the temple and flogged with a rope doubled, confined him in a room throughout the night and he ultimately died. In evidence it was further proved that the accused was near by when the coolies were belaboured and ordered them to be flogged but not so as to cause their death.

At daybreak a little girl brought the news that the chest had been found. In the meanwhile the poor coolies made good the chest at the rate of 2 pagodas each in all 8 pagodas. The three surviving were released at lamp light next day. They did not know what became of the dead body of Paupadoo which was left in the room.

In the course of the trial the prisoner having pain in his leg requests he may have leave to sit down. Allowed a chair.

After the evidence for the prosecution was over Messrs. Emmanuel Samuel and John Wilkinson, Counsel for the prisoner called no evidence but severally addressed the Court.

At five o'clock in the afternoon the Petit Jury retired to consider of a Verdict, a Bailiff (Thomas Newman) having been duly sworn to keep them.

At seven o'clock the Court adjourned for one hour.

At one o'clock in the morning the Court met and was duly opened when no probability of a verdict appearing the Court was adjourned till 10 o'clock in the morning.

The Court direct that the European Jury be allowed one Bottle of Madeira and three Loaves of Bread during the night—the Native Jury to have an allowance of Beettle leaf.

At 10 o'clock in the morning the Court met and was duly opened and at Twelve o'clock the Petit Jury returned a verdict of "Guilty" but recommended the prisoner to mercy in the strongest terms.

On the 12th of March 1796 the prisoner was sentenced to death.

This is however a digression.

When the Jury are agreed about the verdict the bailiff leads them back to the Court and at the entrance announces in a loud voice : "A Verdict". It is so laid down in the book of Instructions. And then the bailiff retires.

Thereafter we meet neither the Sheriff nor his officers at the Sessions. The precept addressed to him by the Chief Justice requires him, the Deputy Sheriff and the bailiffs to be present. When the Sessions concludes the following promlamation is made :

"Oyez! Oyez! Oyez!

All persons having had business with my Lord the King's Justice in this Sessions of Oyer and Terminer and General Gaol Delivery and Admiralty

in the City of Madras, will now depart, the Sessions having terminated. God save the King Emperor of India and My Lord the King's Justice".

XI. WHITE GLOVES

It is an ancient custom for the Sheriff to present a pair of white gloves to a judge who when he takes his seat for Criminal business at the Quarter Sessions finds no cases for trial. Though such instances had occurred in the District Courts in the Presidency there has been no instance of its kind in the High Court at Madras. In England white gloves are presented to the Judges on the occasion of a Maiden Assize. A Maiden Assize formerly meant one at which no prisoner was sentenced to death. But it now means one at which there is no prisoner for trial. The effect of the Assizes and Quarter Sessions Act of 1908 as amended by the Criminal Justice Act 1925 (15 and 16 Geo. 5 c. 86) is that where up to five days before the commencement of the Assizes or Quarter Sessions there is no case, requiring a Jury, to be disposed of thereat, then the Assizes or Quarter Sessions need not be held unless other business has to be transacted. Section 77 of the Supreme Court of Judicature (consolidation) Act 1925 further provides that if at any time it appears to the Lord Chief Justice that there is no business or no substantial amount of business to be transacted at the Assizes then about to be held at any place on a circuit and that having regard to the circumstances of the case it is desirable that an order should be made under this section, he may, with the concurrence of the Lord Chancellor by order direct that Assizes shall not on the occasion of such circuit be held at that place and where any such order is made then, notwithstanding any enactment or custom to the contrary

Assizes shall not on that occasion beheld at the place specified in the order. The order may also include ancillary provisions such as those relating to the attendance of Sheriffs, Jurors etc.

Normally the Sheriff should be present on this occasion when the proclamation terminating the Sessions is made. Like many other things that ought to be and are not done, this is also not done. Many a thing is in its performance abridged. The procession ought to start from the Judge's lodgings. Here it starts from his chambers. The javelin-men should form part of the procession. The javelins are now simply placed at the Judge's entrance to the Sessions Court Hall. The Sheriff should in theory be present in Court to conduct the Judge back to his chambers in the evening. But at present the Sheriff attends at 10-45 a.m. and retires soon after. Certain Sheriffs put in their appearance for a few minutes on the first day of the opening of the Sessions and left it to their Deputy to attend on the following days who has now been displaced by the Under Sheriff so far as attendance in Court is concerned.

XII. THE UNDER-SHERIFF

The Under-Sheriff, a purely honorary officer, first appointed in 1940, has thrown the Deputy Sheriff into the background.

After actually assuming office on the 20th of December the Sheriff, in consultation with the Chief Justice, appoints a gentleman as Under-Sheriff. The appointment of such Deputies is vested in the Sheriff under Article XV of the Charter of 1800. The office is honorary. The object of such appointment is to enable the Sheriff to have some one to deputise

for him on such ceremonial occasions as the sitting of the High Court Sessions. The need for the appointment arose in 1940 which Sir G. A. Bambridge, Kt. found it inconvenient to attend every sitting of the High Court Sessions as it was particularly heavy that year. In 1943 however Mr. W. W. Ladden, O.B.E. did not appoint an Under-Sheriff.

XIII. THE DEPUTY SHERIFF

To execute the various offices the Sheriff has, under him, many officers viz. a Deputy, an accountant, a clerk and two European and two Indian Bailiffs.

The history of the office of the Deputy Sheriff dates as far back as 1753. After the restoration of Madras by the French in 1749 by the Treaty of Aix-la-Chapelle, the English restored their former institutions and erected a new Court of Judicature called the Mayor's Court under the Charter dated January 8, 1753. In that amended charter it is provided that in case of the absence of the Sheriff for reasonable cause allowed by the Government, the Deputy or Under-Sheriff, to be appointed by such Sheriff, should return all process and do all acts in the name and by virtue of the authority of such Sheriff. The later charters contain no such provision. The Charter dated February 20, 1798 erecting the Recorder's Court at Madras, directs that if a Sheriff shall die in his office or depart from the Coast of Coromandel, then another person shall, in like manner, be duly appointed and sworn into the said office. This is followed up in the later charters.

The Charter of the Supreme Court dated December 26, 1800, after reiterating the provisions

of the earlier Charters for the appointment of the Sheriff on the first Tuesday in December, his tenure of office, his being sworn etc. runs :

"And we do further order, direct and appoint that the said Sheriff and his successors shall, by themselves or their sufficient Deputies, to be by them appointed and duly authorized under their respective hands and seals, and for whom he and they shall be responsible during his or their continuance in such office, execute, and the said Sheriff and his said Deputies are hereby authorised to execute all the writs, summons, rules, orders, warrants, commands and process of the said Supreme Court of Judicature at Madras and make return of the same, together with the manner of execution thereof, to the said Supreme Court of Judicature at Madras, and to receive and detain in prison all such persons as shall be committed to the custody of such Sheriff by the said Supreme Court of Judicature at Madras or by the Chief Justice or any of the said Puisne Justices of the said Court respectively."

Ever since that date it has been usual to appoint a deputy. The deputy appears to have been changing with the change of the Sheriff every year. The Sheriff being theoretically responsible as the head of the establishment he was a sort of surety for the Deputy's good behaviour. He therefore frequently required security or an indemnity bond from the deputy for his own protection. This system was a survival of the times when there was no Procedure Code and when, owing to the complicated and uncertain practice of the law Courts, it was convenient to suitors to have an officer who would undertake to execute processes and decrees at his own peril.

Normally the Deputy that was in office during the previous year was continued. Under the Letters Patent of 1800 it was necessary for each Sheriff on assuming office to sign a declaration that he "accepts" the Deputy Sheriff. There was therefore always the fear present to his mind of being turned out of office at any moment at the pleasure of the Sheriff in office for the particular year. It was in practice a piece of shifting patronage in the hands of the Sheriff.

From time to time there were proposals made to make the Deputy Sheriff a permanent official over the head of the process-serving and execution staff leaving the Sheriff, who is an annual officer, to be theoretically the head of the office. In 1843 the Indian Law Commissioners called for the opinion of the Hon'ble the Judges of the Supreme Courts at Calcutta, Madras and Bombay as to the propriety and expediency of making the Sheriff a permanent officer and dispensing with the office of the Deputy Sheriff and as to whether it is an office which could be held by itself—if so on what salary or whether it could be properly united with any other office connected with the Court. Sir Edward Gambier, Kt., Chief Justice, Supreme Court, Madras, wrote back in reply that it was a question that ought to be referred in the first instance to the Government of Madras, the office of the Sheriff of the Presidency being altogether in the gift of the Governor-in-Council and that he was unable to suggest any other office connected with the Court with which that of the Sheriff could with propriety be united.

Sir J. D. Norton, Kt., Puisne Justice, added:

"With regard to the Sheriff it appears to me of very little importance whether the office is

continued on its present footing or he should be converted with (into) a permanent officer. The Deputy Registrar is at present Deputy Sheriff and does all the work. It seems reasonable that he should have the fees. I think that the Sheriff from his station and the nature of the personal duties if made a permanent officer, should not hold any other situation".

From the reports of the Courts of the three presidencies it was clear that a permanent officer should be appointed to supervise service of process and execution work. In 1852 a draft bill was prepared which provided, inter alia, that there should be a permanent Sheriff and that he should not appoint a Deputy. This bill was not however proceeded with. In 1863 the Bombay Government represented that the office of the Sheriff was a useless and expensive sinecure and should be abolished. In 1865 the Government of India suggested the appointment of a permanent officer in the place of the Sheriff. In 1880 the abolition of the office was again recommended by Sir Richard Garth Kt., Chief Justice of the High Court at Calcutta, who asked for the appointment of a permanent officer. No action however was taken on this suggestion apparently from an apprehension that the abolition of the office might be unpopular.

Next came the scheme of the Finance Committee. The proposal to make the office of the Sheriff an honorary one and the process serving staff a permanent one was fully accepted by the Madras Government. But it was found impracticable even in 1888. Because under the original scheme it was understood that the Sheriff need not be paid any salary, that he should have his own establishment, the cost of which was

expected to be covered by the fees he received and that the deficit, if any, should be made good by Government. In 1888 the fees collected were hardly a third of what was needed to meet the cost of the establishment.

In 1892 the Government of India favoured the view that a permanent process serving establishment was essential to efficiency and both the clerks and the bailiffs should be treated as Government servants eligible for pension. In Madras that had been the practice for some time past. They proposed to make the office of the Sheriff a purely honorary and ceremonial one and to relieve him of all duties connected with the service of writs and execution of decrees of the High Court and to place the process-serving establishment under a High or Head Bailiff who should be a paid servant of Government. But the judges of the Madras High Court then thought that there were no sufficient reasons to alter the existing system.

In November 1922 Rao Sahib M. C. T. Muthiah Chettiar, Sheriff, suggested a reorganisation of the office of the Sheriff. He urged the necessity for a permanent Deputy Sheriff and the revision of the salary for the other subordinate staff and the addition of a typist-clerk to the establishment on the ground that the Sheriff's office was the only office in which there was no typist and the correspondence had all to be written out and not typed as in all offices.

The Judges of Madras High Court favoured the proposal for the appointment of a permanent Deputy Sheriff. Their Lordships observed:

"The Sheriff is appointed only for a year. He is a layman not conversant with the work of the Court. In the circumstances his control over the

process-serving and execution staff is purely nominal. The department being under his charge is due to tradition and to historical reasons and has no justification. The system of serving through the Sheriff is a survival of the old English practice of the Supreme Court. A permanent Deputy Sheriff should be appointed. He should not be liable to removal on a change by the Sheriff. That is the English practice". (Notes from Administrative Records, High Court, Madras).

The Government also adopted the proposal in order to ensure continuity. The Sheriff was henceforth to be honorary. The process-serving establishment came under the control of the Deputy Sheriff in 1924. The Deputy Sheriff is responsible for the quick and efficient service of processes and the execution of warrants and the general supervision of the working of the Sheriff's office.

Under the Deputy Sheriff there is an office establishment and there are one European and three Indian bailiffs. The bailiffs are to serve the processes received in the office of the Sheriff and have also to carry out the duties connected with the various kinds of proceedings in execution. The quarterly jury summonses as well as the Crown subpoenas to the Sessions are served by the bailiffs. The service of these processes takes up much of the time of the Bailiffs owing to evasion and absence from address given of the parties. A summons is seldom served on a party at the first attempt and in most cases service involves a search for the party. After service is effected bailiffs enter the endorsement of service on the summons and in the office Register and have also to make up affidavits of service. In the case of

executions also, bailiffs have to make similar entries on warrants and in the registers. The execution of a warrant of attachment of movable property keeps a bailiff occupied for several hours and involves heavy work. In the case of a personal arrest the bailiff has to keep charge of the prisoner and produce him before the judge and take him to the Civil Debtors' Gaol, which is also now housed in the Penitentiary, Madras.

XIV. THE SHERIFF'S OTHER DUTIES

By virtue of his office the Sheriff has to perform certain ministerial or ornamental duties such as calling for public meetings, reading proclamations, attending the High Court Sessions and other public ceremonies. The dress to be worn by him on these ceremonial occasions is prescribed by the Dress Regulations :

XV. THE SHERIFF'S DRESS

The uniform of the Sheriff was originally adopted in Madras from that worn by the Sheriff of the City of London for Courts or Levees. In that book "Dress and Insignia worn at His Majesty's Court" issued by the authority of the Lord Chamberlain, the uniform of the Sheriff of the City of London is referred to as "the old style of velvet Court dress."

This dress is thus described in detail :

Velvet Court Dress (old style).

Coat :

Black silk velvet, stand collar, pigeon-breasted, seven buttons on the right front and seven notched holes on the left. The fronts meet edge to edge at a point on the breast, where they are secured with a hook and eye. Gauntlet cuffs, with three notched

holes and buttons. Three pointed flaps on waist seam with three buttons one under each point. Six buttons behind, that is, two at the waist, two at the centre of skirts and two at the bottom of the skirts. Body of the coat should be lined with white silk and the skirts with black. Pockets in the breast and in the tails.

Buttons:

Cut steel (Plate II, No. 24).

Black silk "wig bag" is attached to the coat at the back of the neck hanging over the collar.

Waist coat:

White Satin or Black Silk velvet. No collar. Four buttons. Skirted fronts, three-pointed flaps to the pockets with a button under each point.

Breeches:

Black silk velvet with three small steel buttons and cut steel buckles at the knees.

Hose:

Black silk.

Shoes:

Black Patent Leather with cut steel buckles.

Hat:

Black Beaver or silk cocked Hat with a steel loop on a black silk cockade or rosette.

Sword:

Sling sword with cut steel hilt and black scabbard with steel mountings.

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Sword belt :

Black silk web with slings.

Gloves :

White.

Lace Frill and Ruffles.

Note.—Insignia should be worn with this dress as described on page 111.

The dress now being worn by the Sheriff complies with the above description except that it is worn in thin black serge instead of in velvet presumably for climatic reasons.

The latest regulations on the subject are contained in the "Dress and Insignia Worn at Court" (1929).

It is in this dress that the Sheriff appears at the Sessions Trials held quarterly in the High Court at Madras.

On important occasions on a requisition of the Citizens the Sheriff convenes a public meeting, an act reminiscent of the ancient right to call out the populace in emergencies (Madras Tercentenary Commemoration Volume, p. 206). It is however necessary here "to emphasize especially in these days the great caution the Sheriff should exercise (in calling for such meetings) to ensure that such meetings do not have any political bias and are not used for airing political views." (W. W. Ladden).

XVI. THE SHERIFF : THEN AND NOW

The shrievalty was at one time a far more important office than it is at present. In former times both the Mayor and Sheriff were persons of some consequence and when they went in state their palankeens were surrounded by retinues of pike-men. The palankeens have been replaced by gilded coaches with prancing Arab steeds and

livery men by the middle of the eighteenth century and they in their turn by motor cars in the present century. The situation of the Sheriff was thought of with the utmost dread and alarm from an idea of the prodigious responsibility and risk attached to it. Consequently no person ever courted the appointment. At that time the Sheriff had police duties to perform. The establishment of the regular police about the beginning of the nineteenth century has relieved him of his duties of providing men for performing the police duties once assigned to him. Even his duties in the Criminal Courts have in modern days been greatly lightened for, owing to the assistance given by the police, it is no longer necessary for him to provide a large retinue of servants wherewith to keep the Court. The custody of the prisoners was, in the earlier days of the office of the Sheriff, an important department of shrievalty work but not one over which the Sheriff was wont to exercise much personal care. The prisoners often escaped and gave him trouble.

The iniquity of the inordinate length of time for which the debtors were confined to the Debtors' Jail formed the subject matter of petition presented to the Governor in the earlier part of the eighteenth century, who, on being on his requisition furnished with a long list of Debtors, forwarded it to the Court of Directors to adopt such measures as may appear to them proper for their releasement after a certain period of confinement or to have them included in the King's Acts of Grace passed from time to time for the relief of Debtors (Love: "Vestiges of Old Madras," Vol. III, p. 431).

In 1793 Edward Atkinson (Atkinson Road, Vepery, goes after his name), then Sheriff, tackled the problem of the bad state of the jails. He wrote to the Governor in Council about "the necessity of building a Commodious Gaol in an open healthy

situation, with a number of small apartments in it, that a man who may be so unfortunate as to be confined there may have an opportunity of carrying on his particular business, and may by his industry extricate himself from his embarassments......".

Mr. Atkinson was probably one of those who came under the influence of John Howard, Sheriff of Bedford who set on foot the question of Jail Reform. John Howard visited the prisons of other countries also. He found the same fearful conditions everywhere. By his speeches he opened the eyes of Kings and Governments to the need for reform of prisons. Along with Howard Elizabeth Fry also worked for the reform of prisons and won for herself the name of "The Prisoners' Friend" by starting schools in prison for women prisoners and their children where they were trained to be useful members of society.

"Mr. Jones, who is confined in the Felon's Gaol as a Lunatick, has represented to me his distressed circumstances. He was pensioned many years ago on Fifteen Pagodas per month, which he received regularly until March 1791, when it was ordered by Government to be discontinued. Since that period he has had nothing but the common Gaol Allowance of two fanams a Day, which is not sufficient to find him in victuals......" (Love : "Vestiges of Old Madras," Vol. III, p. 432.)

In 1795 the Sheriff Mr. Richard Borough urged the proper housing of debtor prisoners and suggested that a Bastion in the Black Town Wall adjacent to the one then used a Felon's Gaol may be suitably altered. The Chief Engineer turned down the proposal for lack of accommodation there (Tercentenary Volume, p. 205). Consequently there is a good deal contained in the presentments of the Grand Jury to the Supreme Court at Madras about the disgraceful and sickly state of the gaols of those days. By the end of the nineteenth century the

care of the prisoners was transferred to Gaolers appointed under an organised department of Government called the Jail Department. The process serving work and the execution of writs, over which he had a direct control and for which he was held personally responsible, has been taken away from him by the appointment of a permanent Deputy Sheriff in 1924. The emoluments of office, the Sheriff's fees, which he once received and with which he had to run the office, are now credited to Government. Since the 1st of September, 1924 the Government have taken over the whole of the establishment of the Sheriff's office and retain the fees which are collected for various services performed by that office. From that date even the honorarium that was paid to the Sheriff has also been stopped and the office made an honorary one. So much so today it is said that the Sheriff has become merely a picturesque functionary with purely ceremonial duties a roi faineant and that the revival of the office of the Mayor in 1932 has thrown the Sheriff into the background in that the Mayor is given precedence to the Sheriff.

But the office of the Sheriff is one "to which so much importance is still attached at home" (Sir Thomas Strange, Kt.) that it should still be regarded as "an office of great dignity and importance" (Sir Lionel Leach, Kt.). "It is an ancient and honourable office with its historical traditions and its picturesque and impressive link with the past". (Sir G. A. Bambridge, Kt.).

In England a woman has, in time past, more than once acted as Sheriff and it is hoped that the Sex Disqualification (Removal) Act of 1919 will revive the practice.

What would happen with regard to India remains to be seen.

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XVII. LIST OF SHERIFFS

Date of Nomination : 20th December annually.
From 17-8-1727 when the Charter was proclaimed

1727	Aug.	22	Nicholas Morse.
1728	,,	,,	Augustus Burton.
1728	Dec.	20	Augustus Burton.
1729	,,	,,	Richard Horden.
1730			Joseph Walsh.
1730	Dec.	20	Charles Peers.
1731	,,	,,	Nicholas Morse.
1732	,,	,,	Francis Rous.
1733	,,	,,	William Monson.
1734	,,	,,	George Torriano.
1735	,,	,,	William Johnson.
1736	,,	,,	Thomas Cooke.
1737	,,	,,	Mathew Empson.
1738	,,	,,	George Torriano.
1739	,,	,,	J. Hammond.
1740	,,	,,	John Graham.
1741	..	,,	Matthew Empson.
1742	,,	,,	William Johnson.
1743	,,	,,	Thomas Cooke.
1744	,,	,,	John Savage.
1745	,,	,,	Matthew Empson.

1746, 1747, 1748, 1749 — French occupation of Madras, September 10, 1746 to August 13, 1749. The capital was on this account changed to Fort Saint David where it continued even after restoration of Madras until under orders of the Court of Directors, it was retransferred to Fort St. George in 1752.

1750, 1751, 1752 — Fort Saint George was a subordinate station.

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Date of Nomination : First Tuesday in December
John Browning Nominated 17-8-1753

1753	Dec.	20	James Alexander.
1754	,,	,,	Claud Russel (was also Coroner).
1755	,,	,,	James Bourchier (transferred to Devicotah July, 1756).
1756	July	14	Claud Russell.
1756	Dec.		George Stratton.
1757	,,		Edward Edwards.
1758	,,		Henry Eustace Johnston.
1759	,,		Robert Dowsett.
1760	,,		James Hay.
1761	,,		George Dawson (transferred to Vizagapatam, February, 1762).
1762	Feb.		Charles Smith.
1762	Dec.		James Bourchier.
1763	,,		Richard Brickenden (Leave to Canton, July, 1764).
1764	July		Henry Brooke.
1764	Dec.		Edward Stracey.
1765	,,		Samuel Johnson (elevated to Council, December, 1765).
1766			William Cumming (transferred to Cuddalore, May, 1766).
1766	May		John Holland.
1766	,,		John Turing.
1767	,,		Robert Manusell (transferred to Ganjam, April, 1768).
1768	April		Alexander Davidson.
1768	Dec.		Cotton Bowerbank Dent.

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1769	Dec.		Hon'ble Edward Monckton.
1770	,,		Charles Desvoeux.
1771	,,		George Moubray.
1772	,,		Edward Saunders.
1773	,,		James Daniell.
1774	,,		Charles Mordaunt.
1775	,,		Hon'ble Basin Cochrane.
1776	,,		Henry Norris.
1777	,,		William Light.
1777	,,		William Turing.
1778	,,		William Jackson.
1779	,,		Kenelm Digby.
1780	,,		Hugh Vaughan.
1781	,,		Francis Lind.
1782	,,		John Mitford.
1783	,,		Thomas Kingscote.
1784	,,		John Snow.
1785			Robert Lathom.
1785	Dec.		Robert Lathom.
1786	,,		Neil Campbell.
1787	,,		George Sullivan Martin.
1788	,,		William Jones.
1789	,,		Benjamin Branfill.
1790	,,		Neil Campbell (Died, July, 1791).
1791	July		Thomas Pearce.
1791	Dec.		William Cockell.
1792	,,		Edward Atkinson.
1793	,,		George Webster.
1794	,,		Richard Borough.
1795	,,		Richard Arthur Maitland.
1796	,,		Richard Yeldham.
1797	,,		W. H. Gordon.
1798	,,		William Cockell.
1799	,,		William Fraser.
1800	,,		John Binny (Senior).
1801	Dec.	20	John Hughes.

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1802	Dec.	20	Kirkby Dalrymple.
1803	„	„	James Rees.
1804	„	„	John Oakes.
1805	„	„	James William Miller.
1806	„	„	Terence FitzGerald.
1807	„	„	James William Miller (Died 11th March 1808 at Bellary)
1808	March	26	William McTaggart.
1808	Dec.	20	William McTaggart.
1809	„	„	Sebastian Halford Greig.
1810	„	„	William Olphert.
1811	„	„	William John White (Died 13th May, 1812).
1812	„	31	Richard Jebb LL.D.
1813	„	20	Kirkby Dalrymple.
1814	„		John McKerrell.
1815	Sept.	16	Charles Henry Clay.
1815	Dec.	15	Kirkby Dalrymple.
1816	„	16	William Brown.
1817	July	8	Charles Henry Clay.
1817	Oct.	4	W. T. Blair.
1817	Dec.	23	Kirky Dalrymple.
1818	„	8	Samuel Ibbetson.
1819	„	6	William Thomas Blair.
1820	„	8	George Lys.
1821	„	7	James Graham.
1822	„	6	John Goldingham.
1823	„	9	Thomas Gellibrand (Died, 20th June, 1824).
1824	June	25	John Savage.
1824	Dec.	10	John Savage.
1825	„	9	Edward Gordon.
1826	„	8	Robert Wright Norfor.
1827	„	18	George Lys.
1828	„	19	William Bensely Anderson.
1829	„	11	Robert Eden.
1830	„	7	Thomas Keighly

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1831	Dec.	20	Patrick Grant.
1832	,,	7	John Younge Fullerton.
1833	,,	6	William Hamilton Hart (Resigned)
1834	Jan.	17	Arthur Rowlandson.
1834	Dec.	5	John Findley McKenzie.
1835	,,	20	Arthur Henry Harris.
1836	Dec.	13	John Younge Fullerton.
1837	,,	12	Arthur John Mac Leane.
1838	,,	11	John Younge Fullerton.
1839	,,	20	I. L. Johnson.
1840	Feb.	19	I. L. Johnson.
1840	Dec.	20	Duncan Montgomerie.
1841	,,	14	William Gardiner Burn.
1842	,,	6	Christopher Biden.
1843	,,	20	John Bruce Norton.
1844	,,	3	John Findley McKenzie.
1845	,,	9	Leonard Cooper.
1846	,,	8	Mars Morphett.
1847	,,	20	John James Franklin.
1848	,,	12	Richard Burgass (Resigned).
1849	Sep.	4	Arthur Macdonald Ritchie.
	Dec.		Leonard Cooper.
1850	,,	20	Arthur Macdonald Ritchie.
1851	,,	9	Leonard Cooper (Died).
1852	Aug.	10	Richard Burgass.
1852	Dec.	20	Richard Burgass (Resigned).
1853	Aug.	16	Richard Salmon.
1853	Dec.	13	Christopher Biden.
1854	,,	20	H. D. E. Dalrymple.
1855	,,	11	Frederick Orme.
1856	,,	9	John Findley McKenzie.
1857	,,	8	John James Franklin
1858	,,	14	William Sydney Wright
1859	,,	9	Eyre Burton Powell.
1860	,,	7	H. D. E. Dalrymple.

1861	Dec.	20	Col. John Impett.
1862	,,	,,	Col. John Impett.
1863	,,	,,	Col. John Impett.
1864	,,	,,	Col. John Impett.
1865	,,	12	Col. John Impett. (Died December 3rd, 1866).
	,,		
1866	,,	4	H. D. E. Dalrymple.
1867	,,	3	H. D. E. Dalrymple.
1868	,,	20	H. D. E. Dalrymple.
1869	,,	14	H. D. E. Dalrymple. (Resigned 3rd May, 1870).
1870	May	3	John Charles Lock
1870	Dec.	20	H. D. E. Dalrymple.
1871	,,	9	H. D. E. Dalrymple.
1872	,,	17	H. D. E. Dalrymple.
1873	,,	20	John Charles Lock.
1874	,,	20	John Charles Lock.
1875	May	26	Clement Simpson.
1875	Dec.	20	Clement Simpson.
1876	,,	,,	William Walker Munsie.
1877	,,	,,	William Walker Munsie.
1878	,,	,,	Robert Chillingworth Walker.
1879	,,	,,	Robert Chillingworth Walker.
1880	,,	,,	Basil Lovery.
1881	,,	,,	Basil Lovery.
1882	,,	,,	E. J. Firth.
1883	,,	,,	E. J. Firth.
1884	,,	,,	Lieut. J. H. Taylor, R.N.R.
1885	,,	,,	Lieut. J. H. Taylor, R.N.R.
1886	,,	,,	Sir S. Ramaswami Mudaliar, Rao Sahib, C.I.E.
1887	,,	,,	Sir S. Ramaswami Mudaliar, Rao Sahib, C.I.E.
1888	,,	,,	J. Higginbotham.

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1889	Dec.	20	J. Higginbotham.
1890	,,	,,	R. G. Orr.
1891	,,	,,	Rai Bahadur R. Ranganatha Mudaliar, M.A.
1892	,,	,,	F. Rowlandson, B.A., LL.B.
1893	,,	,,	Cowasji Edulji Panday.
1894	,,	,,	J. P. Nicholas.
1895	,,	,,	D. E .N. Leighton.
1896	,,	,,	Saiyid Muhammad Sahib Bahadur.
1897	,,	,,	E. J. Firth.
1898	Dec.	20	W. E. Smith.
1899	,,	,,	Dewan Bahadur Pulicat Ramaswami Chetti.
1900	,,	,,	Dewan Bahadur Pulicat Ramaswami Chetti.
1901	,,	,,	H. K. Beauchamp.
1902	Nov.	20	H. K. Beauchamp.
1903	,,	,,	Khan Bahadur Haji Muhammed Abdul Hadi Badsha Sahib.
1904	Dec.	20	Charles J. Higgs.
1905	,,	,,	Raja Sir Ramaswami Mudaliar, Kt., C.I.E.
1906	,,	,,	Muhammad Anwar-ud-din Sahib, Khan Sahib.
1907	,,	,,	W. Donald Smith.
1908	,,	,,	W. Donald Smith.
1909	,,	,,	M. Venkataswamy Naidu, Dewan Bahadur.
1910	,,	,,	A. E. Lawson.
1911	,,	,,	A. E. Lawson.
1912	,,	,,	Khan Bahadur Muhammad Abdul Kuddus Badsha Sahib Bahadur.
1913	,,	,,	Dewan Bahadur Govindoss Chathurbhuja Doss Garu.

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